

Town of Mashpee

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Planning Board Minutes 09-17-2014

Mashpee Planning Board

Minutes of Meeting

September 17, 2014 at 7:00 p.m.

Waquoit Meeting Room, Mashpee Town Hall

Approved 10/1/14

Planning Board Members Present: Chairman George Petersen, Mary Waygan, Dennis Balzarini, Joe Cummings

Also Present: Tom Fudala-Town Planner, Charles Rowley-Consultant Engineer

Absent: David Kooharian

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by Chairman Petersen at 7:00 p.m. on Wednesday, September 17, 2014 and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES—August 20, 2014

MOTION: Ms. Waygan made a motion to accept the minutes of August 20th as presented. Mr. Balzarini seconded the motion. All voted unanimously.

PUBLIC HEARING

Hearing under the provisions of Massachusetts General Laws Chapter 41, Section 81-Q to consider an amendment to the Mashpee Rules and Regulations Governing the Subdivision of Land to add a new Subsection s. to Section VII.E.22. and to modify Plate #2 in the Appendix, both changes regarding the location of water lines in conformance with the requirements of the Mashpee Water District.

The appointed time having arrived, the Chair read for the record the request ensuring that water lines be in compliance with the Mashpee Water District. Members of the Planning Board had no additional comments. There also was no public comment. Mr. Rowley confirmed that the language had been worked out with Mr. Fudala to the preference of the Water District and reviewed and approved by the Water District. Language reflected their preference that water mains would be placed beyond the limits of the pavement or as determined by the Water District. Mr. Rowley stated that it would clarify where water mains should be located on the definitive plan.

MOTION: Ms. Waygan made a motion to close the public hearing. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Ms. Waygan made a motion to make changes to the rules and regulations governing the subdivision of land of the Mashpee Planning Board, as presented. Mr. Balzarini seconded the motion. All voted unanimously.

7:20 Applicant: Al Morra, dba Classics First

Location: 78 Industrial Drive, Unit 1

Request: Special Permit Modification under the provisions of Section 174-24.H. to add "Sale or rental of automobiles, boats and other motor vehicles and accessory storage" as listed under Section 174-25.F.(2) of the Zoning By-law to the uses permitted under the Special Permit previously approved for the property.

The appointed time having arrived, Chairman Petersen opened the public meeting and read for the record the request. Al Morra was present to request a modification allowing him to increase his vehicle count from five to seven, allowing two vehicles to be placed outside and available for sale. Mr. Morra's unit was located at 78 Industrial Drive, Unit 1. Mr. Morra's unit has been deeded three spaces but an arrangement has been made with the owner of eight of the twelve units in the building, who agreed to lease the necessary additional spaces at the back of the lot. Mr. Morra indicated that he was open for business on Friday and also Saturday mornings. Mr. Morra submitted plans and photographs. It was noted that his license would be modified with the Board of Selectmen.

Mr. Fudala reported that Plan/Design Review heard the request on September 2 and voted to recommend with no

conditions. Mr. Fudala drafted a decision and summarized that Mr. Morra's request was to add the use "auto sales." Mr. Fudala read the conditions and discussed the decision. There were no additional comments from Board members and no public comment.

MOTION: Ms. Waygan made a motion to close the public hearing. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to change the permit to allow sales on the property, increasing to 7 cars with only 2 cars at a time placed outside for sale, per the proposed decision drafted and striking the name David Kooharian from the decision. Ms. Waygan seconded the motion. All voted unanimously.

Mr. Cummings will sign the decision with the Town Clerk.

Hearing under the provisions of Massachusetts General Laws Chapter 85, Sections 3A and 3B, to consider a proposed change in the name of "East Way" to either "Cottage Lane", "Cobblestone Lane" or "Cardinal Lane" or some other name (Continued from August 20, 2014)

The appointed time having arrived, the Chair opened the public hearing and read the request. Mr. Fudala referenced emails received regarding the name change, including correspondence about the 911 street database.

Mr. Fudala added that changes were incorporated sooner than anticipated, typically within less than 6 months, but that a recommended effective date could be requested. Mr. Fudala noted that Mr. Mayo had requested that the Planning Board act on the street name change at tonight's meeting. Mr. Falacci also submitted correspondence requesting that Cottage Lane not be used, due to possible confusion with The Cottages at New Seabury.

Homeowners have been discussing possible name changes, but the Fire Chief expressed concern about use of Shell Lane due to possible duplication with Shellback Way/Place, but that Oyster Way would not be a duplicate.

Chairman Petersen read the email regarding the 911 process and flagging street names.

John Clark indicated that there was no consensus or majority among residents regarding the street name and therefore, requested a one month continuance for homeowners to agree upon a street name. The Chair suggested identifying an effective date for the name change while giving residents 30 days to identify a new street name. Jeff Falchik of East Way, confirmed that there were 7 residents located on the street, and that 4 homeowners agreed to Oyster Way. Ms. Waygan recommended that the residents submit a letter with signatures supporting the name.

Mr. Fudala stated that the residents were present to state their support of Oyster Way. Mr. Fudala recommended January 1 as the effective date. Mr. Clark stated that there were 9 property owners and Mr. Fudala responded that two of the parcels were not buildable lots. Mr. Clark questioned the legal basis for a majority and whether it was consideration of the property owners or the homeowners. Ms. Waygan referenced Mr. Clark's petition and the 7 signatories and recommended that they could sign a document agreeing to the street name. The Chair stated that all 9 property owners could be contacted but to return to the October 15 meeting with a consensus recommending the street name, which would be effective January 1. Pat Rossetti, of Wood Road, inquired whether the other street names would be changed and Mr. Fudala responded that the other street names in the neighborhood were not in direct conflict or were geographically not critical and that East Way was the only recommended change in the neighborhood. Joan Muse stated that it was not fair that other streets were left unscathed when there were other duplicates, such as North Street also located in Mashpee Commons. Ms. Muse added that no one voluntarily wanted to change the street name and expressed concern about hard feelings being created on a very small road, due to the street name change. The Chair recommended working on a name all could agree to and return in 30 days for the October 15 meeting, with the name change effective on January 1.

MOTION: Ms. Waygan made a motion to continue the public hearing to October 15th at 7:25 p.m. Mr. Balzarini seconded the motion. All voted unanimously.

7:45 Applicant: Stuart Bornstein, dba Cape Cod Custom Car Storage, LLC

Location: 104 Falmouth Road

Request: Special Permit Modification under the provisions of Section 174-24.H. to add "Sale or rental of automobiles, boats and other motor vehicles and accessory storage" as listed under Section 174-25.F.(2) of the Zoning By-law to the uses permitted under the Special Permit previously approved for the property.

The Chair opened the public hearing. Stuart Bornstein was present to describe his custom car storage facility and his desire to also sell the cars at the request of the cars' owners, but operating out of the same office. In order to acquire a dealer's license, Mr. Bornstein will need to add a use to allow the sale of vehicles to his current permit.

Mr. Bornstein indicated that the cars would remain in storage but that he would serve as a broker should an owner wish to sell their classic car. Mr. Fudala stated that it was the same change as Mr. Morra, adding a use to allow the sale or rental, but that it was on a much larger scale of approximately 150 vehicles. Mr. Fudala stated that concern

was expressed at the Plan Review Committee meeting regarding the sprinkler and fire control system's adequacy in relation to the number of vehicles and fuel. Both the Building Department and the Fire Department also requested a plan for the layout of the vehicles and Mr. Fudala indicated that the Fire Department had not yet been in receipt of the fire engineering or the car layout. Mr. Bornstein stated that he submitted the plan for car storage stamped by their fire engineer and noted that the fire suppression system would meet twice what it was supposed to do. Mr. Fudala noted that the paperwork was stamped today and had not been reviewed by Joel Clifford in the Fire Department. Mr. Bornstein confirmed that the letter was sent in the morning. Mr. Bornstein further discussed the car layout and suppression system and requested that the Board recommend approval, subject to final approval from the Fire Department, so that he could pursue the broker's license. Mr. Fudala stated that the Fire and Building Department were unsatisfied and had not yet had a chance to review the information, and recommended a continuance. Mr. Bornstein argued that there would be no changes other than offering brokering services to his clients and that it was a business that generated very little traffic. The Chair stated that the Planning Board typically awaited feedback from the other reviewing boards and would continue the public hearing in order to await the proper paperwork.

MOTION: Ms. Waygan made a motion to continue the public hearing to October 1st at 7:25 p.m. Mr. Balzarini seconded the motion. All voted unanimously.

DEFINITIVE SUBDIVISION PLAN

Applicant: Bayswater Development, LLC

Location: The Cottages at New Seabury - Phase I, New Seabury

Request: Planning Board's endorsement/ signatures on revised approved subdivision plan. Revisions to the plan were Land Court requirements.

John Falacci of Bayswater Development, reported that no lines had changed to the plan approved in June, but that Land Court required a change to the dimensional measurements. Mr. Rowley confirmed that Land Court had its own format and preferred seeing the overall distances as well as the individual distances. Mr. Rowley reviewed the revised plan. Mr. Fudala noted that the Town Clerk's signature would be needed on the revised plan, as well as adding the covenant. The previously approved plan had the Town Clerk's signature. Mr. Rowley reported that the revised plan had two new features to include several point numbers for reference purposes and the Land Court lot numbering system utilized to re-number the parcels.

MOTION: Ms. Waygan made a motion to authorize the Chairman to sign the plans as presented. Mr. Balzarini seconded the motion. All voted unanimously.

Chairman Petersen and members of the Planning Board signed the revised plans. There was discussion regarding the dating of the plan and it was determined that the plans would be signed without a date in order to accommodate the needs of the Land Court.

PERFORMANCE GUARANTEES

Applicant: Bayswater Development, LLC

Location: Oceanfront at Seaside, New Seabury

Request: Reduction in performance bond amount

Applicant: Bayswater Development, LLC

Location: The Cottages at New Seabury - Phase I, New Seabury

Request: Reduction in performance bond amount

Location: 104 Falmouth Road

Request: Special Permit Modification under the provisions of Section 174-24.H. to add "Sale or rental of automobiles, boats and other motor vehicles and accessory storage" as listed under Section 174-25.F.(2) of the Zoning By-law to the uses permitted under the Special Permit previously approved for the property.

The performance guarantee will be considered on October 1.

BOARD ITEMS

Old Business

Planning Board Warrant Articles-Chairman Petersen reported that the amendment to Zoning Bylaw 174.26 C-3 would be placed on the Town Meeting Warrant Articles but that the Board of Selectmen vote included one yes, three no and one abstention. A solid presentation would be needed at Town Meeting. The request to make changes to the cluster development regarding affordable housing was supported by the Board of Selectmen and would appear on the Warrant. Article 12-16 regarding the Open Space Incentive Development included a variety of

changes and would not be on the Warrant. The Chair noted that more work was needed with the BOS to address any thoughts or concerns they may have.

Discussion of Greenways Proposal and Surrounding Commercial Property-No update, still no word regarding the issue of insurance

MMR Military Civilian Community Council-Update of MMR Joint Land Use Study-No update

Design Review Committee-Mr. Cummings reported that Al Morra's request was approved on September 2. Echo Road would require a filing with the Board of Health and Stuart Bornstein was a unanimous vote with conditions to include certified sprinkler compliance for 150 vehicles, floor plan layout and projected fuel storage. Mr. Cummings further discussed the Fire Department's concerns. Mr. Rowley referenced plumbing regulations and potential leakage with vehicle storage and the need for floor drains. The Chair recommended reviewing the minutes when the permit was initially approved. The September 16 meeting involved signage for the Mashpee Congregational Church and the issue of off-site signs, as well as a 5-dog kennel license that was continued.

Community Preservation Committee-No update

Environmental Oversight Committee-The Chair reported that the draft nitrogen bylaw would be submitted for Town Meeting and that the Board of Selectmen unanimously approved it to be added to the Warrant.

Historic District Commission-No update

Charter Review-Ms. Waygan reported that amendments to the Charter were added to the Warrant.

New Business

C. Rowley Expense Vouchers-

MOTION: Mr. Balzarini made a motion to pay Mr. Rowley for August 2014 for 627.50. Ms. Waygan seconded the motion. All voted unanimously.

MOTION: Ms. Waygan made a motion to pay Mr. Rowley for Southport in August for \$95. Mr. Balzarini seconded the motion. All voted unanimously.

Vouchers were signed by the Planning Board members.

CORRESPONDENCE

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Ms. Waygan seconded the motion. All voted unanimously. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Draft Decision, Special Permit Modification #2, Kevin Cayer Industrial Building
- Email Correspondence Regarding East Way Name Change
- Public Hearing Notice, Rules & Regulations Governing the Subdivision of Land
- Mashpee Wampanoag Notice of Availability of Final Environmental Impact Statement
- Cape Cod Commission Hearing Notice, Area Wide Water Quality Management Plan
- Cape Cod Commission Hearing Notice, Proposed Amendments to CCC Regulations
- Articles
- Michael McGrath Letter

